

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:01-cr-00002-FDW

UNITED STATES OF AMERICA, )  
                                )  
vs.                            )  
                                )  
(3) ANTONIO DEMOND BYERS, )                           ORDER  
                                )  
Defendant.                 )  
                                )  
\_\_\_\_\_ )

THIS MATTER is before the Court on Defendant's pro se Motions for a Reduced Sentence under the First Step Act of 2018 (Doc. No. 222, 228), Motions to Appoint Counsel (Doc. No. 224, 226), and Motion to Supplement (Doc. No. 225).

The Court hereby ORDERS the Government to respond to Defendant's motions. The Government shall have **thirty (30) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to the Motion to Appoint Counsel, criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at \*1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). However, the Defendant *is* currently represented by counsel from the Federal Public Defenders Office. Accordingly, these motions (Doc. No. 224, 226) are MOOT.

Defendant's Motion to Supplement (Doc. No. 225) is GRANTED and will be fully considered by the court.

IT IS THEREFORE ORDERED:

1. The Government *must* respond to the Defendant's Motions for a Reduced Sentence under the First Step Act of 2018 (Doc. No. 222, 228) within **thirty (30) days**;
2. Defendant's Motion to Appoint Counsel (Doc. No. 224, 226) is MOOT; and
3. Defendant's Motion to Supplement is GRANTED.

IT IS SO ORDERED.

Signed: September 15, 2020

  
Frank D. Whitney  
United States District Judge